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7 *Attorneys for Plaintiff*

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 WILLIAM BENTON HENRY, an
12 individual,

13 Plaintiff,

14 v.

15 ENDLESS SUMMER BEACH
16 RENTALS, LLC, a South Carolina
Limited Liability Company;
17 A WAVE FROM IT ALL, LLC, a South
18 Carolina Limited Liability Company;
19 FAITH & FLIP FLOPS, LLC, an Indiana
limited liability company; ANNELIESE
20 CASERTA, an individual; AARON
CASERTA, an individual; CHRIS
21 AIELLO, an individual; DANIEL
22 CAPECE, an individual; DOMENICK
VANUCCHI, an individual; EMILY
23 HENRY-HARRIS, an individual; GED
24 DUVALL, an individual; DANIELLE
DUVALL, an individual; JENNIFER
25 PERRY, an individual; JESSICA
26 DAWSON, an individual; LARRY
DAWSON, an individual; JOHN
27 VALENTE, an individual; DIANE
28 KLINGENSMITH, an individual;

Case No.: 2:23-cv-03008-GW-AS
Honorable George H. Wu Presiding

PLAINTIFF'S SECOND AMENDED
COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT
3. VIOLATIONS OF THE
DIGITAL MILLENNIUM
COPYRIGHT ACT (17 U.S.C.
§1202)

Jury Trial Demanded

1 RICHARD KWIATKOWSKI, an
individual; KEVIN JONES, an individual;
2 JOHN ROTCHFORD, an individual;
LORI LUONGO, an individual; ROBERT
3 ZEILHOFER, an individual; SHARON
4 TATUM, an individual; ROBIN
5 KEEFOVER, an individual; STEPHANIE
LOCKETT, an individual; TRACY
6 WHALEY, an individual; WALTER
WOFFORD, an individual; AMBER
7 RHINEHART, an individual; ROBERT
8 MICCO, an individual; MICHELLE
MICCO, an individual; DAVE
9 MCCRACKEN, an individual; KAREN
10 SOPER, an individual; DEANNA
BOWDEN, an individual; DIANE
11 GOLLIN, an individual; DMITRY
FASOLYAK, an individual; DORIS
12 MARTIN, an individual; FAUD
KORMAN, an individual; GREG AGEE,
14 an individual; KAREN ROTCHFORD, an
individual; KIMBERLY RASSI, an
15 individual; KRISTIN MOFFETT, an
individual; LISA NATALE, an individual;
16 TIMOTHY SCOTT HARRIS, an
individual; MICHAEL
17 WANNEMACHER, an individual;
18 NORMA BENZ, an individual; RAY
HAHN, an individual; PAM HAHN, an
19 individual; REBECCA BROOKS, an
individual; TYLER ANDERSON, an
20 individual; WENDY BURDETT, an
individual; WILLIAM MARK
21 WHITESELL, an individual; JOHN
QUILTER, an individual; SABRINA
22 ANTOSH, an individual; DIANE
MCNULTY, an individual; CARL
23 PULLIAM, an individual; LANA S
HUELSENBECK, an individual; KILEY
24 ANN WEBBER, an individual; SANDY
WELCH, an individual; LORI
25 BLASHUK, an individual; KAREN

1 MAYS, an individual; JACQUELINE
2 JONES, an individual; LAVONNE
3 VELLA, an individual; KIRSTEN
4 DIBENEDETTO, an individual; JOHN
5 DEGAETANI, an individual; JOSHUA
6 BISHOP, an individual; MARK
7 CURTISS, an individual; DIANE
8 CURTISS, an individual; THOMAS
9 MISSERT, an individual; DEBORAH
10 HARRIS, an individual; DAVID
11 HARRIS, an individual; RONALD
12 GADBOIS, an individual; BRENT
13 WHITESELL, an individual; KIM
14 BOWMAN, an individual; LINDA
15 DIMAIO, an individual; JAMES
16 HESNAN, an individual; and Does 1-10,
17 inclusive,

18
19 Defendants.

1 Plaintiff, William Benton Henry (“HENRY” or “Plaintiff”), by and through
2 his undersigned attorneys, hereby prays to this honorable Court for relief based on
3 the following:

4 **JURISDICTION AND VENUE**

5 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §
6 101 *et seq.*

7 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
8 1338 (a)-(b).

9 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
10 1400(a) in that this is the judicial district in which a substantial part of the acts and
11 omissions giving rise to the claims occurred.

12 **PARTIES**

13 4. Plaintiff, HENRY, is an individual residing in South Carolina.

14 5. A platform used by the following parties is *www.airbnb.com*. Airbnb,
15 Inc. (“Airbnb”) is the owner, operator, and/or controller of the website
16 *www.airbnb.com* and its related and affiliated subdomains (collectively, “Airbnb’s
17 Platform.”)

18 6. Another platform used by the following parties is *www.vrbo.com*,
19 which operates in the same way as the Airbnb Platform. The website
20 *www.vrbo.com* and its related and affiliated subdomains (collectively, “VRBO
21 Platform”). Vrbo.com is not a party to this litigation.

22 7. The “Airbnb Platform” and “VRBO Platform” are collectively referred
23 to as the “Service Provider Defendants.”

24 8. Plaintiff is informed and believes and thereon alleges that Defendant
25 Endless Summer Beach Rentals, LLC, is a South Carolina Limited Liability
26 Company that is registered to do business in the state of South Carolina with a
27 registered address at 1004 29th Ave N, Suite A, Myrtle Beach, South Carolina
28 29577 whose business extends and touches the State of California through its

1 online business and website *endlesssummerbeachrentals.com*. They had access to
2 Plaintiff's photography through Plaintiff's client's website *https://www.myrtle-*
3 *beach-resort.com*. They then copied and displayed Plaintiff's copyrighted works in
4 their listings on their website and/or through the Service Providers' Platform,
5 thereby causing copies of the Subject Photography to be stored on servers that are
6 located in the United States, California, and/or this judicial district and owned,
7 operated, and/or controlled by the Service Providers in connection with the Service
8 Providers' Platform; otherwise making the Subject Photography available to
9 United States and California residents, causing them and Service Providers to earn
10 revenue from exploiting, or the exploitation of, the Subject Photography in the
11 United States and California (including from California residents).

12 9. Plaintiff is informed and believes and thereon alleges that Defendant A
13 Wave From It All, LLC, is a South Carolina Limited Liability Company that is
14 registered to do business in the state of South Carolina with a registered address at
15 604 Galera Lane, Mount Pleasant, South Carolina 29577 whose business extends
16 and touches the State of California through its online business and website
17 *awavefromitall.com*. The business is owned and principally operated by Diane, an
18 Airbnb and VRBO host identified below. They had access to our client's
19 photography through his client's website *https://www.myrtle-beach-resort.com*.
20 They then copied and displayed his copyrighted works in their listings on their
21 website and/or through the Service Providers' Platform, thereby causing copies of
22 the Subject Photography to be stored on servers that are located in the United
23 States, California, and/or this judicial district and owned, operated, and/or
24 controlled by the Service Providers in connection with the Service Providers'
25 Platform; otherwise making the Subject Photography available to United States
26 and California residents, causing them and Service Providers to earn revenue from
27 exploiting, or the exploitation of, the Subject Photography in the United States and
28 California (including from California residents).

1 10. Plaintiff is informed and believes and thereon alleges that Defendant
2 Faith & Flip Flops, LLC is an Indiana limited liability company with a registered
3 address at 4319 Great Hollow Court, Fort Wayne, Indiana 46818, whose business
4 extends and touches the State of California through its online business. Upon
5 information and belief, this business is principally owned and operated by Joseph
6 J. Zimecki and Rachele Zimecki, and the business is designated as a VRBO
7 Premier Host. They had access to Plaintiff's photography through Plaintiff's
8 client's website *https://www.myrtle-beach-resort.com*. They then copied and
9 displayed Plaintiff's copyrighted works in their listings on or through the Service
10 Providers' Platform, thereby causing copies of the Subject Photography to be
11 stored on servers that are located in the United States, California, and/or this
12 judicial district and owned, operated, and/or controlled by the Service Providers in
13 connection with the Service Providers' Platform; otherwise making the Subject
14 Photography available to United States and California residents, causing them and
15 Service Providers to earn revenue from exploiting, or the exploitation of, the
16 Subject Photography in the United States and California (including California
17 residents.)

18 11. Defendants Endless Summer Beach Rentals, LLC and A Wave From it
19 All, LLC (collectively, "Website Defendants") each use both the Service Provider
20 Platforms and operate their own independent websites
21 *endlesssummerbeachrentals.com* and *awavefromitall.com* (collectively referred to
22 as the "Independent Defendant Websites.")

23 12. Plaintiff is informed and believes and thereon alleges that Anneliese &
24 Aaron Caserta are individuals residing in Huntington, West Virginia. They own
25 property which they list on Airbnb's Platform under listing ID
26 615838387037433503 and are labeled as "Superhosts" on Airbnb. They operate
27 listings within the State of South Carolina and their business extends and touches
28 the State of California. They had access to Plaintiff's photography through

1 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. They then copied
2 and displayed Plaintiff's copyrighted works in their listings at and/or through the
3 Service Providers' Platform, thereby causing copies of the Subject Photography to
4 be stored on servers that are located in the United States, California, and/or this
5 judicial district and owned, operated, and/or controlled by the Service Providers in
6 connection with the Service Providers' Platform; otherwise making the Subject
7 Photography available to United States and California residents, causing them and
8 Service Providers to earn revenue from exploiting, or the exploitation of, the
9 Subject Photography in the United States and California (including from California
10 residents).

11 13. Plaintiff is informed and believes and thereon alleges that Chris Aiello
12 is an individual residing in Irwin, Pennsylvania. Chris Aiello owns property which
13 he lists on Airbnb's Platform under listing ID 49596529 and is labeled as a
14 "Superhost" on Airbnb. Mr. Aiello operates the listing within the State of South
15 Carolina and his business extends and touches the State of California. He had
16 access to Plaintiff's photography through Plaintiff's client's website
17 <https://www.myrtle-beach-resort.com>. He then copied and displayed Plaintiff's
18 copyrighted works in his listing at and/or through the Service Providers' Platform,
19 thereby causing copies of the Subject Photography to be stored on servers that are
20 located in the United States, California, and/or this judicial district and owned,
21 operated, and/or controlled by the Service Providers in connection with the Service
22 Providers' Platform; otherwise making the Subject Photography available to
23 United States and California residents, causing them and Service Providers to earn
24 revenue from exploiting, or the exploitation of, the Subject Photography in the
25 United States and California (including from California residents).

26 14. Plaintiff is informed and believes and thereon alleges that Daniel
27 Capece is an individual residing in Highland Falls, New York. Mr. Capece owns
28 property that is listed on Airbnb's Platform under listing ID 570296377739174114

1 and Mr. Capece is labeled as a “Superhost” on Airbnb. He operates his listing
2 within the State of South Carolina and his business extends and touches the State
3 of California. He had access to Plaintiff’s photography through Plaintiff’s client’s
4 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
5 Plaintiff’s copyrighted works in his listing at and/or through the Service Providers’
6 Platform, thereby causing copies of the Subject Photography to be stored on
7 servers that are located in the United States, California, and/or this judicial district
8 and owned, operated, and/or controlled by the Service Providers in connection with
9 the Service Providers’ Platform; otherwise making the Subject Photography
10 available to United States and California residents, causing them and Service
11 Providers to earn revenue from exploiting, or the exploitation of, the Subject
12 Photography in the United States and California (including from California
13 residents).

14 15. Plaintiff is informed and believes and thereon alleges that Domenick
15 Vanucchi is an individual residing in Washington D.C. Mr. Vanucchi owns
16 property which he lists on Airbnb’s Platform under listing ID 14788303 and is
17 labeled as a “Superhost” on Airbnb. Mr. Vanucchi operates his listing within the
18 State of South Carolina and his business extends and touches the State of
19 California. He had access to Plaintiff’s photography through Plaintiff’s client’s
20 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
21 Plaintiff’s copyrighted works in his listing at and/or through the Service Providers’
22 Platform, thereby causing copies of the Subject Photography to be stored on
23 servers that are located in the United States, California, and/or this judicial district
24 and owned, operated, and/or controlled by the Service Providers in connection with
25 the Service Providers’ Platform; otherwise making the Subject Photography
26 available to United States and California residents, causing them and Service
27 Providers to earn revenue from exploiting, or the exploitation of, the Subject
28

1 Photography in the United States and California (including from California
2 residents).

3 16. Plaintiff is informed and believes and thereon alleges that Emily
4 Harris-Henry is an individual residing in Lehigh Acres, Florida. Ms. Harris-Henry
5 owns a property that she lists on Airbnb's Platform under listing ID 45670527 and
6 is labeled a "Superhost" on Airbnb. She operates the listing within the State of
7 South Carolina and her business extends and touches the State of California. She
8 had access to Plaintiff's photography through Plaintiff's client's website
9 <https://www.myrtle-beach-resort.com>. Ms. Harris-Henry then copied and displayed
10 Plaintiff's copyrighted works in her listing at and/or through the Service Providers'
11 Platform, thereby causing copies of the Subject Photography to be stored on
12 servers that are located in the United States, California, and/or this judicial district
13 and owned, operated, and/or controlled by the Service Providers in connection with
14 the Service Providers' Platform; otherwise making the Subject Photography
15 available to United States and California residents, causing them and Service
16 Providers to earn revenue from exploiting, or the exploitation of, the Subject
17 Photography in the United States and California (including from California
18 residents).

19 17. Plaintiff is informed and believes and thereon alleges that Gerald &
20 Danielle Duvall are individuals residing in Myrtle Beach, South Carolina. They
21 own property which they list on Airbnb's Platform under listing ID
22 810232783104063506 and are labeled as "Superhosts" on Airbnb. They operate
23 listings within the State of South Carolina and their business extends and touches
24 the State of California. They had access to Plaintiff's photography through
25 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. They then copied
26 and displayed Plaintiff's copyrighted works in their listing at and/or through the
27 Service Providers' Platform, thereby causing copies of the Subject Photography to
28 be stored on servers that are located in the United States, California, and/or this

1 judicial district and owned, operated, and/or controlled by the Service Providers in
2 connection with the Service Providers' Platform; otherwise making the Subject
3 Photography available to United States and California residents, causing them and
4 Service Providers to earn revenue from exploiting, or the exploitation of, the
5 Subject Photography in the United States and California (including from California
6 residents).

7 18. Plaintiff is informed and believes and thereon alleges that Jennifer
8 Perry is an individual residing in Huntington, West Virginia. Ms. Perry owns a
9 property that she lists on Airbnb's Platform under listing ID 658056392332643257
10 and is labeled a "Superhost" on Airbnb. She operates the listing within the State of
11 South Carolina and her business extends and touches the State of California. She
12 had access to Plaintiff's photography through Plaintiff's client's website
13 *https://www.myrtle-beach-resort.com*. She then copied and displayed Plaintiff's
14 copyrighted works in her listing at and/or through the Service Providers' Platform,
15 thereby causing copies of the Subject Photography to be stored on servers that are
16 located in the United States, California, and/or this judicial district and owned,
17 operated, and/or controlled by the Service Providers in connection with the Service
18 Providers' Platform; otherwise making the Subject Photography available to
19 United States and California residents, causing them and Service Providers to earn
20 revenue from exploiting, or the exploitation of, the Subject Photography in the
21 United States and California (including from California residents).

22 19. Plaintiff is informed and believes and thereon alleges that Jessica &
23 Larry Dawson are individuals residing in Charlotte, North Carolina. They own
24 property which they list on Airbnb's Platform under listing ID
25 620885139711575254 and are labeled as "Superhosts" on Airbnb. They operate
26 the listing within the State of South Carolina and their business extends and
27 touches the State of California. They had access to Plaintiff's photography through
28 Plaintiff's client's website *https://www.myrtle-beach-resort.com*. They then copied

1 and displayed Plaintiff's copyrighted works in their listing at and/or through the
2 Service Providers' Platform, thereby causing copies of the Subject Photography to
3 be stored on servers that are located in the United States, California, and/or this
4 judicial district and owned, operated, and/or controlled by the Service Providers in
5 connection with the Service Providers' Platform; otherwise making the Subject
6 Photography available to United States and California residents, causing them and
7 Service Providers to earn revenue from exploiting, or the exploitation of, the
8 Subject Photography in the United States and California (including from California
9 residents).

10 20. Plaintiff is informed and believes and thereon alleges that John Valente
11 is an individual residing in Paramus, New Jersey. Mr. Valente owns properties
12 which he lists on both Airbnb and VRBO's Platforms under Airbnb host ID
13 244396988 and VRBO property numbers 2690249 and 2334307. Mr. Valente is
14 also labeled as a "Superhost" on Airbnb. He operates the listings within the State
15 of South Carolina and his business extends and touches the State of California. He
16 had access to Plaintiff's photography through Plaintiff's client's website
17 *<https://www.myrtle-beach-resort.com>*. He then copied and displayed Plaintiff's
18 copyrighted works in his listings at and/or through the Service Providers' Platform,
19 thereby causing copies of the Subject Photography to be stored on servers that are
20 located in the United States, California, and/or this judicial district and owned,
21 operated, and/or controlled by the Service Providers in connection with the Service
22 Providers' Platform; otherwise making the Subject Photography available to
23 United States and California residents, causing them and Service Providers to earn
24 revenue from exploiting, or the exploitation of, the Subject Photography in the
25 United States and California (including from California residents).

26 21. Plaintiff is informed and believes and thereon alleges that Diane
27 Klingensmith is an individual residing in Aliquippa, Pennsylvania. Ms.
28 Klingensmith owns property which she lists on Airbnb's Platform under listing ID

1 41640196 and is labeled a “Superhost” on Airbnb. Ms. Klingensmith operates the
2 listing within the State of South Carolina and her business extends and touches the
3 State of California. She had access to Plaintiff’s photography through Plaintiff’s
4 client’s website <https://www.myrtle-beach-resort.com>. She then copied and
5 displayed Plaintiff’s copyrighted works in her listing at and/or through the Service
6 Providers’ Platform, thereby causing copies of the Subject Photography to be
7 stored on servers that are located in the United States, California, and/or this
8 judicial district and owned, operated, and/or controlled by the Service Providers in
9 connection with the Service Providers’ Platform; otherwise making the Subject
10 Photography available to United States and California residents, causing them and
11 Service Providers to earn revenue from exploiting, or the exploitation of, the
12 Subject Photography in the United States and California (including from California
13 residents).

14 22. Plaintiff is informed and believes and thereon alleges that Richard
15 Kwiatkowski is an individual residing in Philadelphia, Pennsylvania. Mr.
16 Kwiatkowski owns property which he lists on Airbnb’s Platform under listing ID
17 50002857. Mr. Kwiatkowski operates the listing within the State of South Carolina
18 and his business extends and touches the State of California. He had access to
19 Plaintiff’s photography through Plaintiff’s client’s website [https://www.myrtle-](https://www.myrtle-beach-resort.com)
20 [beach-resort.com](https://www.myrtle-beach-resort.com). He then copied and displayed Plaintiff’s copyrighted works in
21 his listing at and/or through the Service Providers’ Platform, thereby causing
22 copies of the Subject Photography to be stored on servers that are located in the
23 United States, California, and/or this judicial district and owned, operated, and/or
24 controlled by the Service Providers in connection with the Service Providers’
25 Platform; otherwise making the Subject Photography available to United States
26 and California residents, causing them and Service Providers to earn revenue from
27 exploiting, or the exploitation of, the Subject Photography in the United States and
28 California (including from California residents).

23. Plaintiff is informed and believes and thereon alleges that Kevin Jones is an individual residing in Columbia, South Carolina. Mr. Jones owns property which he lists on Airbnb's Platform under listing ID 625349919746675791. Mr. Jones operates the listing within the State of South Carolina and his business extends and touches the State of California. He had access to Plaintiff's photography through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. He then copied and displayed Plaintiff's copyrighted works in his listing at and/or through the Service Providers' Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this judicial district and owned, operated, and/or controlled by the Service Providers in connection with the Service Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

24. Plaintiff is informed and believes and thereon alleges that John Rotchford is an individual residing in Hartsville, South Carolina. Mr. Rotchford owns property which he lists on Airbnb's Platform under listing ID 52031132 and is labeled a "Superhost" on Airbnb. Mr. Rotchford operates the listing within the State of South Carolina and his business extends and touches the State of California. He had access to our Plaintiff's photography through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. He then copied and displayed Plaintiff's copyrighted works in his listing at and/or through the Service Providers' Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this judicial district and owned, operated, and/or controlled by the Service Providers in connection with the Service Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service

1 Providers to earn revenue from exploiting, or the exploitation of, the Subject
2 Photography in the United States and California (including from California
3 residents).

4 25. Plaintiff is informed and believes and thereon alleges that Lori Luongo
5 is an individual residing in Myrtle Beach, South Carolina. Ms. Luongo owns
6 properties which she lists on Airbnb and VRBO's Platforms under Airbnb host ID
7 6803442 and VRBO property numbers 2338101, 2106651, 2106650, 2106649,
8 1053724, 1563826, and 1563787. Ms. Luongo is labeled a "Superhost" on Airbnb
9 and a "Premier Host" on VRBO's website, *vrbo.com*. She operates the listings
10 within the State of South Carolina and her business extends and touches the State
11 of California. She had access to Plaintiff's photography through Plaintiff's client's
12 website *https://www.myrtle-beach-resort.com*. She then copied and displayed
13 Plaintiff's copyrighted works in her listings at and/or through the Service
14 Providers' Platform, thereby causing copies of the Subject Photography to be
15 stored on servers that are located in the United States, California, and/or this
16 judicial district and owned, operated, and/or controlled by the Service Providers in
17 connection with the Service Providers' Platform; otherwise making the Subject
18 Photography available to United States and California residents, causing them and
19 Service Providers to earn revenue from exploiting, or the exploitation of, the
20 Subject Photography in the United States and California (including from California
21 residents). Additionally, Lori posts this same infringing content on
22 *takemetomyrtlebeach.com*.

23 26. Plaintiff is informed and believes and thereon alleges that Robert
24 Zeilhofer is an individual residing in Nashotah, Wisconsin. Mr. Zeilhofer owns
25 properties which he lists on Airbnb and VRBO's Platforms under Airbnb host ID
26 295716417 and VRBO property numbers 2026094, 1792278, 2270930, 1989127,
27 1794566, 2270920, and 2407265. Mr. Zeilhofer is labeled as a "Superhost" on
28 Airbnb and a "Premier Host" on VRBO's website, *vrbo.com*. He operates the

1 listings within the State of South Carolina and his business extends and touches the
2 State of California. He had access to Plaintiff's photography through Plaintiff's
3 client's website *https://www.myrtle-beach-resort.com*. He then copied and
4 displayed Plaintiff's copyrighted works in his listings at and/or through the Service
5 Providers' Platform, thereby causing copies of the Subject Photography to be
6 stored on servers that are located in the United States, California, and/or this
7 judicial district and owned, operated, and/or controlled by the Service Providers in
8 connection with the Service Providers' Platform; otherwise making the Subject
9 Photography available to United States and California residents, causing them and
10 Service Providers to earn revenue from exploiting, or the exploitation of, the
11 Subject Photography in the United States and California (including from California
12 residents).

13 27. Plaintiff is informed and believes and thereon alleges that Sharon
14 Tatum is an individual residing in Bassett, Virginia. Ms. Tatum owns property
15 which she lists on Airbnb's Platform under listing ID 648402187582189983 and is
16 labeled as a "Superhost" on Airbnb. She operates the listing within the State of
17 South Carolina and her business extends and touches the State of California. She
18 had access to Plaintiff's photography through Plaintiff's client's website
19 *https://www.myrtle-beach-resort.com*. She then copied and displayed Plaintiff's
20 copyrighted works in her listing at and/or through the Service Providers' Platform,
21 thereby causing copies of the Subject Photography to be stored on servers that are
22 located in the United States, California, and/or this judicial district and owned,
23 operated, and/or controlled by the Service Providers in connection with the Service
24 Providers' Platform; otherwise making the Subject Photography available to
25 United States and California residents, causing them and Service Providers to earn
26 revenue from exploiting, or the exploitation of, the Subject Photography in the
27 United States and California (including from California residents).

28 ///

1 28. Plaintiff is informed and believes and thereon alleges that Robin
2 Keefover is an individual residing in Surfside Beach, South Carolina. Ms. Keefer
3 owns property which she lists on Airbnb's Platform under listing ID 49348593 and
4 is labeled as a "Superhost" on Airbnb. She operates the listing within the State of
5 South Carolina and her business extends and touches the State of California. She
6 had access to Plaintiff's photography through Plaintiff's client's website
7 <https://www.myrtle-beach-resort.com>. She then copied and displayed Plaintiff's
8 copyrighted works in her listing at and/or through the Service Providers' Platform,
9 thereby causing copies of the Subject Photography to be stored on servers that are
10 located in the United States, California, and/or this judicial district and owned,
11 operated, and/or controlled by the Service Providers in connection with the Service
12 Providers' Platform; otherwise making the Subject Photography available to
13 United States and California residents, causing them and Service Providers to earn
14 revenue from exploiting, or the exploitation of, the Subject Photography in the
15 United States and California (including from California residents).

16 29. Plaintiff is informed and believes and thereon alleges that Stephanie
17 Lockett is an individual residing in Hernando, Mississippi. Ms. Lockett owns
18 property which she lists on Airbnb's Platform under listing ID
19 605736747762394722 and is labeled as a "Superhost" on Airbnb. She operates the
20 listing within the State of South Carolina and her business extends and touches the
21 State of California. She had access to Plaintiff's photography through Plaintiff's
22 client's website <https://www.myrtle-beach-resort.com>. She then copied and
23 displayed Plaintiff's copyrighted works in her listing at and/or through the Service
24 Providers' Platform, thereby causing copies of the Subject Photography to be
25 stored on servers that are located in the United States, California, and/or this
26 judicial district and owned, operated, and/or controlled by the Service Providers in
27 connection with the Service Providers' Platform; otherwise making the Subject
28 Photography available to United States and California residents, causing them and

1 Service Providers to earn revenue from exploiting, or the exploitation of, the
2 Subject Photography in the United States and California (including from California
3 residents).

4 30. Plaintiff is informed and believes and thereon alleges that Tracy
5 Whaley is an individual residing in Malvern, Ohio. Ms. Whaley owns a property
6 which she lists on Airbnb and VRBO's Platforms under Airbnb listing ID
7 564597282503229490 and VRBO property number 1930551. Ms. Whaley is also
8 labeled as a "Superhost" on Airbnb. She operates the listing within the State of
9 South Carolina and her business extends and touches the State of California. She
10 had access to Plaintiff's photography through Plaintiff's client's website
11 <https://www.myrtle-beach-resort.com>. She then copied and displayed Plaintiff's
12 copyrighted works in her listing at and/or through the Service Providers' Platform,
13 thereby causing copies of the Subject Photography to be stored on servers that are
14 located in the United States, California, and/or this judicial district and owned,
15 operated, and/or controlled by the Service Providers in connection with the Service
16 Providers' Platform; otherwise making the Subject Photography available to
17 United States and California residents, causing them and Service Providers to earn
18 revenue from exploiting, or the exploitation of, the Subject Photography in the
19 United States and California (including from California residents).

20 31. Plaintiff is informed and believes and thereon alleges that Walter
21 Wofford is an individual residing in Myrtle Beach, South Carolina. Mr. Wofford
22 owns a property which he lists on Airbnb and VRBO's Platforms under Airbnb
23 listing ID 21399736 and VRBO property number 4742011. Mr. Wofford is an
24 individual labeled as a "Superhost" on Airbnb. He operates the listing within the
25 State of South Carolina and his business extends and touches the State of
26 California. He had access to Plaintiff's photography through Plaintiff's client's
27 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
28 Plaintiff's copyrighted works in his listing at and/or through the Service Providers'

Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this judicial district and owned, operated, and/or controlled by the Service Providers in connection with the Service Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

32. Plaintiff is informed and believes and thereon alleges that Amber Rhinehart is an individual residing in Marshall, North Carolina. Ms. Rhinehart owns property which she lists on Airbnb's Platform under listing ID 697227897100319254. She operates the listing within the State of South Carolina and her business extends and touches the State of California. She had access to our Plaintiff's photography through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. She then copied and displayed Plaintiff's copyrighted works in her listing at and/or through the Service Providers' Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this judicial district and owned, operated, and/or controlled by the Service Providers in connection with the Service Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

33. Plaintiff is informed and believes and thereon alleges that Robert and Michelle Micco are individuals residing in Aliquippa, Pennsylvania. They own a property which they list on Airbnb's Platform under listing ID 21377518. They operate the listing within the State of South Carolina and their business extends and touches the State of California. They had access to Plaintiff's photography

1 through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. They
2 then copied and displayed Plaintiff's copyrighted works in their listing at and/or
3 through the Service Providers' Platform, thereby causing copies of the Subject
4 Photography to be stored on servers that are located in the United States,
5 California, and/or this judicial district and owned, operated, and/or controlled by
6 the Service Providers in connection with the Service Providers' Platform;
7 otherwise making the Subject Photography available to United States and
8 California residents, causing them and Service Providers to earn revenue from
9 exploiting, or the exploitation of, the Subject Photography in the United States and
10 California (including from California residents).

11 34. Plaintiff is informed and believes and thereon alleges that Dave
12 McCracken is an individual residing in Woodburn, Indiana. Mr. McCracken owns
13 a property which he lists on Airbnb's Platform under listing ID
14 603412266544361136. He operates the listing within the State of South Carolina
15 and his business extends and touches the State of California. He had access to
16 Plaintiff's photography through Plaintiff's client's website [https://www.myrtle-](https://www.myrtle-beach-resort.com)
17 [beach-resort.com](https://www.myrtle-beach-resort.com). He then copied and displayed Plaintiff's copyrighted works in
18 his listing at and/or through the Service Providers' Platform, thereby causing
19 copies of the Subject Photography to be stored on servers that are located in the
20 United States, California, and/or this judicial district and owned, operated, and/or
21 controlled by the Service Providers in connection with the Service Providers'
22 Platform; otherwise making the Subject Photography available to United States
23 and California residents, causing them and Service Providers to earn revenue from
24 exploiting, or the exploitation of, the Subject Photography in the United States and
25 California (including from California residents).

26 35. Plaintiff is informed and believes and thereon alleges that Karen Soper
27 is an individual residing in Myrtle Beach, South Carolina. Ms. Soper owns a
28 property which she lists on Airbnb's Platform under listing ID

1 743352120174916479. She operates the listing within the State of South Carolina
2 and her business extends and touches the State of California. She had access to
3 Plaintiff's photography through Plaintiff's client's website *https://www.myrtle-*
4 *beach-resort.com*. She then copied and displayed Plaintiff's copyrighted works in
5 her listing at and/or through the Service Providers' Platform, thereby causing
6 copies of the Subject Photography to be stored on servers that are located in the
7 United States, California, and/or this judicial district and owned, operated, and/or
8 controlled by the Service Providers in connection with the Service Providers'
9 Platform; otherwise making the Subject Photography available to United States
10 and California residents, causing them and Service Providers to earn revenue from
11 exploiting, or the exploitation of, the Subject Photography in the United States and
12 California (including from California residents).

13 36. Plaintiff is informed and believes and thereon alleges that Deanna
14 Bowden is an individual residing in Kernersville, North Carolina. Ms. Bowden
15 owns properties which she lists on Airbnb's Platform under listing IDs
16 602361942068408225 and 605097361584933209. She operates the listings within
17 the State of South Carolina and her business extends and touches the State of
18 California. She had access to Plaintiff's photography through Plaintiff's client's
19 website *https://www.myrtle-beach-resort.com*. She then copied and displayed
20 Plaintiff's copyrighted works in her listings at and/or through the Service
21 Providers' Platform, thereby causing copies of the Subject Photography to be
22 stored on servers that are located in the United States, California, and/or this
23 judicial district and owned, operated, and/or controlled by the Service Providers in
24 connection with the Service Providers' Platform; otherwise making the Subject
25 Photography available to United States and California residents, causing them and
26 Service Providers to earn revenue from exploiting, or the exploitation of, the
27 Subject Photography in the United States and California (including from California
28 residents).

1 37. Plaintiff is informed and believes and thereon alleges that Diane Gollin
2 is an individual residing in Brunswick, Ohio. Ms. Gollin owns a property which
3 she lists on Airbnb's Platform under listing ID 46188765. Ms. Gollin operates the
4 listing within the State of South Carolina and her business extends and touches the
5 State of California. She had access to Plaintiff's photography through Plaintiff's
6 client's website <https://www.myrtle-beach-resort.com>. She then copied and
7 displayed Plaintiff's copyrighted works in her listing at and/or through the Service
8 Providers' Platform, thereby causing copies of the Subject Photography to be
9 stored on servers that are located in the United States, California, and/or this
10 judicial district and owned, operated, and/or controlled by the Service Providers in
11 connection with the Service Providers' Platform; otherwise making the Subject
12 Photography available to United States and California residents, causing them and
13 Service Providers to earn revenue from exploiting, or the exploitation of, the
14 Subject Photography in the United States and California (including from California
15 residents). Additionally, Diane is the owner and operator of *awavefromitall.com*
16 identified above and infringing on HENRY's copyrighted material.

17 38. Plaintiff is informed and believes and thereon alleges that Dmitry
18 Fasolyak is an individual residing in Potomac, Maryland. Mr. Fasolyak owns
19 property listed on Airbnb's Platform under listing ID 36063258. Mr. Fasolyak
20 operates the listing within the State of South Carolina and his business extends and
21 touches the State of California. He had access to Plaintiff's photography through
22 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. He then copied
23 and displayed Plaintiff's copyrighted works in his listing at and/or through the
24 Service Providers' Platform, thereby causing copies of the Subject Photography to
25 be stored on servers that are located in the United States, California, and/or this
26 judicial district and owned, operated, and/or controlled by the Service Providers in
27 connection with the Service Providers' Platform; otherwise making the Subject
28 Photography available to United States and California residents, causing them and

1 Service Providers to earn revenue from exploiting, or the exploitation of, the
2 Subject Photography in the United States and California (including from California
3 residents).

4 39. Plaintiff is informed and believes and thereon alleges that Doris Martin
5 is an individual residing in Mechanicsville, Virginia. Ms. Martin owns a property
6 which she lists on Airbnb's Platform under listing ID 48253670. She operates the
7 listing within the State of South Carolina and her business extends and touches the
8 State of California. She had access to Plaintiff's photography through Plaintiff's
9 client's website *https://www.myrtle-beach-resort.com*. She then copied and
10 displayed Plaintiff's copyrighted works in her listing at and/or through the Service
11 Providers' Platform, thereby causing copies of the Subject Photography to be
12 stored on servers that are located in the United States, California, and/or this
13 judicial district and owned, operated, and/or controlled by the Service Providers in
14 connection with the Service Providers' Platform; otherwise making the Subject
15 Photography available to United States and California residents, causing them and
16 Service Providers to earn revenue from exploiting, or the exploitation of, the
17 Subject Photography in the United States and California (including from California
18 residents).

19 40. Plaintiff is informed and believes and thereon alleges that Faud
20 Korman is an individual residing in Utica, New York. Mr. Korman owns properties
21 which he lists on Airbnb's Platform under listing IDs 48678424 and 48701556.
22 Mr. Korman operates the listings within the State of South Carolina and his
23 business extends and touches the State of California. He had access to Plaintiff's
24 photography through Plaintiff's client's website *https://www.myrtle-beach-*
25 *resort.com*. He then copied and displayed Plaintiff's copyrighted works in his
26 listings at and/or through the Service Providers' Platform, thereby causing copies
27 of the Subject Photography to be stored on servers that are located in the United
28 States, California, and/or this judicial district and owned, operated, and/or

1 controlled by the Service Providers in connection with the Service Providers’
2 Platform; otherwise making the Subject Photography available to United States
3 and California residents, causing them and Service Providers to earn revenue from
4 exploiting, or the exploitation of, the Subject Photography in the United States and
5 California (including from California residents).

6 41. Plaintiff is informed and believes and thereon alleges that Greg Agee is
7 an individual residing in Huntington, West Virginia. Mr. Agee owns properties
8 which he lists on Airbnb and VRBO’s Platforms under Airbnb listing ID 47093530
9 and VRBO property numbers 1333333, 2256869, 2178696, 303974, and 1320272.
10 Mr. Agee operates the listings within the State of South Carolina and his business
11 extends and touches the State of California. He had access to Plaintiff’s
12 photography through Plaintiff’s client’s website *https://www.myrtle-beach-*
13 *resort.com*. He then copied and displayed Plaintiff’s copyrighted works in his
14 listings at and/or through the Service Providers’ Platform, thereby causing copies
15 of the Subject Photography to be stored on servers that are located in the United
16 States, California, and/or this judicial district and owned, operated, and/or
17 controlled by the Service Providers in connection with the Service Providers’
18 Platform; otherwise making the Subject Photography available to United States
19 and California residents, causing them and Service Providers to earn revenue from
20 exploiting, or the exploitation of, the Subject Photography in the United States and
21 California (including from California residents).

22 42. Plaintiff is informed and believes and thereon alleges that Karen
23 Rotchford is an individual residing in Hartsville, South Carolina. Ms. Rotchford
24 owns property which she lists on Airbnb’s Platform under listing ID 52031132.
25 Ms. Rotchford operates the listing within the State of South Carolina and her
26 business extends and touches the State of California. She had access to Plaintiff’s
27 photography through Plaintiff’s client’s website *https://www.myrtle-beach-*
28 *resort.com*. She then copied and displayed Plaintiff’s copyrighted works in her

1 listing at and/or through the Service Providers' Platform, thereby causing copies of
2 the Subject Photography to be stored on servers that are located in the United
3 States, California, and/or this judicial district and owned, operated, and/or
4 controlled by the Service Providers in connection with the Service Providers'
5 Platform; otherwise making the Subject Photography available to United States
6 and California residents, causing them and Service Providers to earn revenue from
7 exploiting, or the exploitation of, the Subject Photography in the United States and
8 California (including from California residents).

9 43. Plaintiff is informed and believes and thereon alleges that Kimberly
10 Rassi is an individual residing in Independence, Ohio. Ms. Rassi owns property
11 which she lists on Airbnb's Platform under listing ID 47866331. Ms. Rassi
12 operates the listing within the State of South Carolina and her business extends and
13 touches the State of California. She had access to Plaintiff's photography through
14 Plaintiff's client's website *<https://www.myrtle-beach-resort.com>*. She then copied
15 and displayed Plaintiff's copyrighted works in her listing at and/or through the
16 Service Providers' Platform, thereby causing copies of the Subject Photography to
17 be stored on servers that are located in the United States, California, and/or this
18 judicial district and owned, operated, and/or controlled by the Service Providers in
19 connection with the Service Providers' Platform; otherwise making the Subject
20 Photography available to United States and California residents, causing them and
21 Service Providers to earn revenue from exploiting, or the exploitation of, the
22 Subject Photography in the United States and California (including from California
23 residents).

24 44. Plaintiff is informed and believes and thereon alleges that Kristin
25 Moffett is an individual residing in Belle Vernon, Pennsylvania. Ms. Moffett owns
26 property which she lists on Airbnb's Platform under listing ID
27 600721862153259540. Ms. Moffett operates the listing within the State of South
28 Carolina and her business extends and touches the State of California. She had

1 access to Plaintiff's photography through Plaintiff's client's website
2 *https://www.myrtle-beach-resort.com*. She then copied and displayed Plaintiff's
3 copyrighted works in her listing at and/or through the Service Providers' Platform,
4 thereby causing copies of the Subject Photography to be stored on servers that are
5 located in the United States, California, and/or this judicial district and owned,
6 operated, and/or controlled by the Service Providers in connection with the Service
7 Providers' Platform; otherwise making the Subject Photography available to
8 United States and California residents, causing them and Service Providers to earn
9 revenue from exploiting, or the exploitation of, the Subject Photography in the
10 United States and California (including from California residents).

11 45. Plaintiff is informed and believes and thereon alleges that Lisa Natale
12 is an individual residing in Paramus, New Jersey. Ms. Natale owns property which
13 she lists on Airbnb's Platform under listing ID 32436319. Ms. Natale operates the
14 listing within the State of South Carolina and her business extends and touches the
15 State of California. She had access to Plaintiff's photography through Plaintiff's
16 client's website *https://www.myrtle-beach-resort.com*. She then copied and
17 displayed Plaintiff's copyrighted works in her listing at and/or through the Service
18 Providers' Platform, thereby causing copies of the Subject Photography to be
19 stored on servers that are located in the United States, California, and/or this
20 judicial district and owned, operated, and/or controlled by the Service Providers in
21 connection with the Service Providers' Platform; otherwise making the Subject
22 Photography available to United States and California residents, causing them and
23 Service Providers to earn revenue from exploiting, or the exploitation of, the
24 Subject Photography in the United States and California (including from California
25 residents).

26 46. Plaintiff is informed and believes and thereon alleges that Timothy
27 Scott Hartis is an individual residing in Myrtle Beach, South Carolina. Mr. Hartis
28 owns property which he lists on Airbnb's Platform under listing ID 35388084. Mr.

1 Hartis operates the listing within the State of South Carolina and his business
2 extends and touches the State of California. He had access to Plaintiff's
3 photography through Plaintiff's client's website *https://www.myrtle-beach-*
4 *resort.com*. He then copied and displayed Plaintiff's copyrighted works in his
5 listing at and/or through the Service Providers' Platform, thereby causing copies of
6 the Subject Photography to be stored on servers that are located in the United
7 States, California, and/or this judicial district and owned, operated, and/or
8 controlled by the Service Providers in connection with the Service Providers'
9 Platform; otherwise making the Subject Photography available to United States
10 and California residents, causing them and Service Providers to earn revenue from
11 exploiting, or the exploitation of, the Subject Photography in the United States and
12 California (including from California residents).

13 47. Plaintiff is informed and believes and thereon alleges that Michael
14 Wannemacher is an individual residing in Myrtle Beach, South Carolina. Mr.
15 Wannemacher owns property which he lists on Airbnb's Platform under listing ID
16 31801144. He operates the listing within the State of South Carolina and his
17 business extends and touches the State of California. He had access to Plaintiff's
18 photography through Plaintiff's client's website *https://www.myrtle-beach-*
19 *resort.com*. He then copied and displayed Plaintiff's copyrighted works in his
20 listing at and/or through the Service Providers' Platform, thereby causing copies of
21 the Subject Photography to be stored on servers that are located in the United
22 States, California, and/or this judicial district and owned, operated, and/or
23 controlled by the Service Providers in connection with the Service Providers'
24 Platform; otherwise making the Subject Photography available to United States
25 and California residents, causing them and Service Providers to earn revenue from
26 exploiting, or the exploitation of, the Subject Photography in the United States and
27 California (including from California residents).

28 ///

1 48. Plaintiff is informed and believes and thereon alleges that Norma Benz
2 is an individual residing in Myrtle Beach, South Carolina. Ms. Benz owns
3 properties which she lists on Airbnb's Platform under listing IDs 18950452 and
4 24410981. Ms. Benz operates the listings within the State of South Carolina and
5 her business extends and touches the State of California. She had access to
6 Plaintiff's photography through Plaintiff's client's website *https://www.myrtle-*
7 *beach-resort.com*. She then copied and displayed Plaintiff's copyrighted works in
8 her listings at and/or through the Service Providers' Platform, thereby causing
9 copies of the Subject Photography to be stored on servers that are located in the
10 United States, California, and/or this judicial district and owned, operated, and/or
11 controlled by the Service Providers in connection with the Service Providers'
12 Platform; otherwise making the Subject Photography available to United States
13 and California residents, causing them and Service Providers to earn revenue from
14 exploiting, or the exploitation of, the Subject Photography in the United States and
15 California (including from California residents).

16 49. Plaintiff is informed and believes and thereon alleges that Ray and
17 Pam Hahn are individuals residing in Bedford, Virginia. They own property which
18 they list on Airbnb's Platform under listing ID 47425587. They operate the listing
19 within the State of South Carolina and their business extends and touches the State
20 of California. They had access to Plaintiff's photography through Plaintiff's
21 client's website *https://www.myrtle-beach-resort.com*. They then copied and
22 displayed Plaintiff's copyrighted works in their listing at and/or through the
23 Service Providers' Platform, thereby causing copies of the Subject Photography to
24 be stored on servers that are located in the United States, California, and/or this
25 judicial district and owned, operated, and/or controlled by the Service Providers in
26 connection with the Service Providers' Platform; otherwise making the Subject
27 Photography available to United States and California residents, causing them and
28 Service Providers to earn revenue from exploiting, or the exploitation of, the

1 Subject Photography in the United States and California (including from California
2 residents).

3 50. Plaintiff is informed and believes and thereon alleges that Rebecca
4 Brooks is an individual residing in Roscoe, Illinois. Ms. Brooks owns property
5 which she lists on Airbnb's Platform under listing ID 48698846. She operates the
6 listing within the State of South Carolina and her business extends and touches the
7 State of California. She had access to Plaintiff's photography through Plaintiff's
8 client's website <https://www.myrtle-beach-resort.com>. Ms. Brooks then copied and
9 displayed Plaintiff's copyrighted works in her listing at and/or through the Service
10 Providers' Platform, thereby causing copies of the Subject Photography to be
11 stored on servers that are located in the United States, California, and/or this
12 judicial district and owned, operated, and/or controlled by the Service Providers in
13 connection with the Service Providers' Platform; otherwise making the Subject
14 Photography available to United States and California residents, causing them and
15 Service Providers to earn revenue from exploiting, or the exploitation of, the
16 Subject Photography in the United States and California (including from California
17 residents).

18 51. Plaintiff is informed and believes and thereon alleges that Tyler
19 Anderson is an individual residing in Huntington, West Virginia. Mr. Anderson
20 owns property which he lists on Airbnb's Platform under listing ID
21 798592246878377525. Mr. Anderson operates the listing within the State of South
22 Carolina and his business extends and touches the State of California. He had
23 access to Plaintiff's photography through Plaintiff's client's website
24 <https://www.myrtle-beach-resort.com>. He then copied and displayed Plaintiff's
25 copyrighted works in his listing at and/or through the Service Providers' Platform,
26 thereby causing copies of the Subject Photography to be stored on servers that are
27 located in the United States, California, and/or this judicial district and owned,
28 operated, and/or controlled by the Service Providers in connection with the Service

Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

52. Plaintiff is informed and believes and thereon alleges that Wendy Burdett is an individual residing in Webster, Massachusetts. Ms. Burdett owns property which she lists on Airbnb's Platform under listing ID 657909194014314160. She operates the listing within the State of South Carolina and her business extends and touches the State of California. Ms. Burdett had access to Plaintiff's photography through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. She then copied and displayed Plaintiff's copyrighted works in her listing at and/or through the Service Providers' Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this judicial district and owned, operated, and/or controlled by the Service Providers in connection with the Service Providers' Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

53. Plaintiff is informed and believes and thereon alleges that William Mark Whitesell is an individual residing in Roswell, Georgia. Mr. Whitesell owns property which he lists on Airbnb's Platform under listing ID 26717818. He operates the listing within the State of South Carolina and his business extends and touches the State of California. Mr. Whitesell had access to Plaintiff's photography through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. He then copied and displayed Plaintiff's copyrighted works in his listing at and/or through the Service Providers' Platform, thereby causing copies of the Subject Photography to be stored on servers that are located in the United States, California, and/or this

1 judicial district and owned, operated, and/or controlled by the Service Providers in
2 connection with the Service Providers' Platform; otherwise making the Subject
3 Photography available to United States and California residents, causing them and
4 Service Providers to earn revenue from exploiting, or the exploitation of, the
5 Subject Photography in the United States and California (including from California
6 residents).

7 54. Plaintiff is informed and believes and thereon alleges that John Quilter
8 is an individual residing in Plainville, Connecticut. Mr. Quilter lists a certain
9 property on VRBO's Platform, identified as property ID 2721637, and is labeled as
10 a "Premier Host" on VRBO's website, *vrbo.com*. He operates the listing within the
11 State of South Carolina and his business extends and touches the State of
12 California. He had access to Plaintiff's photography through Plaintiff's client's
13 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
14 Plaintiff's copyrighted works in his listing on *vrbo.com* and at and/or through the
15 Service Providers' Platform, thereby causing copies of the Subject Photography to
16 be stored on servers that are located in the United States, California, and/or this
17 judicial district and owned, operated, and/or controlled by the Service Providers in
18 connection with the Service Providers' Platform; otherwise making the Subject
19 Photography available to United States and California residents, causing them and
20 Service Providers to earn revenue from exploiting, or the exploitation of, the
21 Subject Photography in the United States and California (including from California
22 residents).

23 55. Plaintiff is informed and believes and thereon alleges that Sabrina
24 Antosh is an individual residing in Myrtle Beach, South Carolina. Ms. Antosh
25 operates a rental listing on VRBO's Platform, identified as property ID 2572392,
26 and is labeled as a "Premier Host" on VRBO's website, *vrbo.com*. She operates the
27 listing within the State of South Carolina and her business extends and touches the
28 State of California. She had access to Plaintiff's photography through Plaintiff's

1 client's website <https://www.myrtle-beach-resort.com>. She then copied and
2 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or
3 through the Service Providers' Platform, thereby causing copies of the Subject
4 Photography to be stored on servers that are located in the United States,
5 California, and/or this judicial district and owned, operated, and/or controlled by
6 the Service Providers in connection with the Service Providers' Platform;
7 otherwise making the Subject Photography available to United States and
8 California residents, causing them and Service Providers to earn revenue from
9 exploiting, or the exploitation of, the Subject Photography in the United States and
10 California (including from California residents).

11 56. Plaintiff is informed and believes and thereon alleges that Diane
12 McNulty is an individual residing in Salem, Massachusetts. Ms. McNulty lists
13 properties on VRBO's Platform, identified as property IDs 2090316 and 2090316,
14 and is labeled as a "Premier Host" on VRBO's website, *vrbo.com*. Ms. McNulty
15 operates the listings within the State of South Carolina and her business extends
16 and touches the State of California. She had access to Plaintiff's photography
17 through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. She then
18 copied and displayed Plaintiff's copyrighted works in her listings on *vrbo.com* and
19 at and/or through the Service Providers' Platform, thereby causing copies of the
20 Subject Photography to be stored on servers that are located in the United States,
21 California, and/or this judicial district and owned, operated, and/or controlled by
22 the Service Providers in connection with the Service Providers' Platform;
23 otherwise making the Subject Photography available to United States and
24 California residents, causing them and Service Providers to earn revenue from
25 exploiting, or the exploitation of, the Subject Photography in the United States and
26 California (including from California residents). Additionally, Diane is the owner
27 and operator of *awavefromitallmb.com* identified above and infringing on
28 HENRY's copyrighted material.

1 57. Plaintiff is informed and believes and thereon alleges that Carl Pulliam
2 is an individual residing in Greensboro, North Carolina. Mr. Pulliam lists his
3 property on VRBO's Platform, identified as property ID 2785809, and is labeled as
4 a "Premier Host" on VRBO's website, *vrbo.com*. He operates the listing within the
5 State of South Carolina and his business extends and touches the State of
6 California. He had access to Plaintiff's photography through Plaintiff's client's
7 website <https://www.myrtle-beach-resort.com>. Mr. Pulliam then copied and
8 displayed Plaintiff's copyrighted works in his listing on *vrbo.com* and at and/or
9 through the Service Providers' Platform, thereby causing copies of the Subject
10 Photography to be stored on servers that are located in the United States,
11 California, and/or this judicial district and owned, operated, and/or controlled by
12 the Service Providers in connection with the Service Providers' Platform;
13 otherwise making the Subject Photography available to United States and
14 California residents, causing them and Service Providers to earn revenue from
15 exploiting, or the exploitation of, the Subject Photography in the United States and
16 California (including from California residents).

17 58. Plaintiff is informed and believes and thereon alleges that Lana S.
18 Huelsenbeck is an individual residing in Burlington, New Jersey. Ms. Huelsenbeck
19 advertises her property on VRBO's Platform, identified as property ID 2696856,
20 and is labeled as a "Premier Host" on VRBO's website, *vrbo.com*. She operates the
21 listing within the State of South Carolina and her business extends and touches the
22 State of California. She had access to Plaintiff's photography through Plaintiff's
23 client's website <https://www.myrtle-beach-resort.com>. She then copied and
24 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or
25 through the Service Providers' Platform, thereby causing copies of the Subject
26 Photography to be stored on servers that are located in the United States,
27 California, and/or this judicial district and owned, operated, and/or controlled by
28 the Service Providers in connection with the Service Providers' Platform;

1 otherwise making the Subject Photography available to United States and
2 California residents, causing them and Service Providers to earn revenue from
3 exploiting, or the exploitation of, the Subject Photography in the United States and
4 California (including from California residents).

5 59. Plaintiff is informed and believes and thereon alleges that Kiley Ann
6 Webber is an individual residing in Ponte Vedra, Florida. Ms. Webber lists a
7 certain property on VRBO's Platform under property ID 2031988 and is labeled as
8 a "Premier Host" on VRBO's website, *vrbo.com*. She operates the listing within
9 the State of South Carolina and her business extends and touches the State of
10 California. She had access to Plaintiff's photography through Plaintiff's client's
11 website <https://www.myrtle-beach-resort.com>. She then copied and displayed
12 Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or through the
13 Service Providers' Platform, thereby causing copies of the Subject Photography to
14 be stored on servers that are located in the United States, California, and/or this
15 judicial district and owned, operated, and/or controlled by the Service Providers in
16 connection with the Service Providers' Platform; otherwise making the Subject
17 Photography available to United States and California residents, causing them and
18 Service Providers to earn revenue from exploiting, or the exploitation of, the
19 Subject Photography in the United States and California (including from California
20 residents).

21 60. Plaintiff is informed and believes and thereon alleges that Sandy
22 Welch is an individual residing in Lake Placid, Florida. Ms. Welch lists property
23 on VRBO's Platform, identified as property ID 571756, and is labeled as a
24 "Premier Host" on VRBO's website, *vrbo.com*. She operates the listing within the
25 State of South Carolina and her business extends and touches the State of
26 California. She had access to Plaintiff's photography through Plaintiff's client's
27 website <https://www.myrtle-beach-resort.com>. Ms. Welch then copied and
28 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or

1 through the Service Providers' Platform, thereby causing copies of the Subject
2 Photography to be stored on servers that are located in the United States,
3 California, and/or this judicial district and owned, operated, and/or controlled by
4 the Service Providers in connection with the Service Providers' Platform;
5 otherwise making the Subject Photography available to United States and
6 California residents, causing them and Service Providers to earn revenue from
7 exploiting, or the exploitation of, the Subject Photography in the United States and
8 California (including from California residents).

9 61. Plaintiff is informed and believes and thereon alleges that Lori Blashuk
10 is an individual residing in Rockwood, Ontario, Canada. Ms. Blashuk owns
11 property which she advertises on VRBO's Platform under property ID 1918081
12 and is labeled as a "Premier Host" on VRBO's website, *vrbo.com*. She operates her
13 listing within the State of South Carolina and her business extends and touches the
14 State of California. She had access to Plaintiff's photography through Plaintiff's
15 client's website <https://www.myrtle-beach-resort.com>. She then copied and
16 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or
17 through the Service Providers' Platform, thereby causing copies of the Subject
18 Photography to be stored on servers that are located in the United States,
19 California, and/or this judicial district and owned, operated, and/or controlled by
20 the Service Providers in connection with the Service Providers' Platform;
21 otherwise making the Subject Photography available to United States and
22 California residents, causing them and Service Providers to earn revenue from
23 exploiting, or the exploitation of, the Subject Photography in the United States and
24 California (including from California residents).

25 62. Plaintiff is informed and believes and thereon alleges that Anneliese
26 and Aaron Caserta are individuals residing in Barboursville, West Virginia. They
27 own a property which they list on VRBO's Platform under property ID 2946974
28 and are labeled as "Premier Hosts" on VRBO's website, *vrbo.com*. They operate

1 listings within the State of South Carolina and their business extends and touches
2 the State of California. They had access to Plaintiff's photography through
3 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. They then copied
4 and displayed Plaintiff's copyrighted works in their listings on *vrbo.com* and at
5 and/or through the Service Providers' Platform, thereby causing copies of the
6 Subject Photography to be stored on servers that are located in the United States,
7 California, and/or this judicial district and owned, operated, and/or controlled by
8 the Service Providers in connection with the Service Providers' Platform;
9 otherwise making the Subject Photography available to United States and
10 California residents, causing them and Service Providers to earn revenue from
11 exploiting, or the exploitation of, the Subject Photography in the United States and
12 California (including from California residents).

13 63. Plaintiff is informed and believes and thereon alleges that Karen Mays
14 is an individual residing in Myrtle Beach, South Carolina. Ms. Mays lists property
15 on VRBO's Platform, identified as property ID 2773371. She operates the listing
16 within the State of South Carolina and her business extends and touches the State
17 of California. She had access to Plaintiff's photography through Plaintiff's client's
18 website <https://www.myrtle-beach-resort.com>. She then copied and displayed
19 Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or through the
20 Service Providers' Platform, thereby causing copies of the Subject Photography to
21 be stored on servers that are located in the United States, California, and/or this
22 judicial district and owned, operated, and/or controlled by the Service Providers in
23 connection with the Service Providers' Platform; otherwise making the Subject
24 Photography available to United States and California residents, causing them and
25 Service Providers to earn revenue from exploiting, or the exploitation of, the
26 Subject Photography in the United States and California (including from California
27 residents).

28 ///

1 64. Plaintiff is informed and believes and thereon alleges that Jacqueline
2 Jones is an individual residing in Statesville, North Carolina. Jacqueline Jones lists
3 her property on VRBO's Platform under property ID 2839378. She operates the
4 listing within the State of South Carolina and her business extends and touches the
5 State of California. She had access to Plaintiff's photography through Plaintiff's
6 client's website <https://www.myrtle-beach-resort.com>. She then copied and
7 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or
8 through the Service Providers' Platform, thereby causing copies of the Subject
9 Photography to be stored on servers that are located in the United States,
10 California, and/or this judicial district and owned, operated, and/or controlled by
11 the Service Providers in connection with the Service Providers' Platform;
12 otherwise making the Subject Photography available to United States and
13 California residents, causing them and Service Providers to earn revenue from
14 exploiting, or the exploitation of, the Subject Photography in the United States and
15 California (including from California residents).

16 65. Plaintiff is informed and believes and thereon alleges that Lavonne
17 Vella is an individual residing in Islip, New York. Ms. Vella owns a property that
18 she advertises on VRBO's Platform under property ID 2821853. She operates the
19 listing within the State of South Carolina and her business extends and touches the
20 State of California. She had access to Plaintiff's photography through Plaintiff's
21 client's website <https://www.myrtle-beach-resort.com>. Ms. Vella then copied and
22 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at and/or
23 through the Service Providers' Platform, thereby causing copies of the Subject
24 Photography to be stored on servers that are located in the United States,
25 California, and/or this judicial district and owned, operated, and/or controlled by
26 the Service Providers in connection with the Service Providers' Platform;
27 otherwise making the Subject Photography available to United States and
28 California residents, causing them and Service Providers to earn revenue from

1 exploiting, or the exploitation of, the Subject Photography in the United States and
2 California (including from California residents).

3 66. Plaintiff is informed and believes and thereon alleges that Kirsten
4 DiBenedetto is an individual residing in West Springfield, Massachusetts. Ms.
5 DiBenedetto lists a property on VRBO's Platform under property ID 720872. She
6 operates the listing within the State of South Carolina and her business extends and
7 touches the State of California. She had access to Plaintiff's photography through
8 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. She then copied
9 and displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and at
10 and/or through the Service Providers' Platform, thereby causing copies of the
11 Subject Photography to be stored on servers that are located in the United States,
12 California, and/or this judicial district and owned, operated, and/or controlled by
13 the Service Providers in connection with the Service Providers' Platform;
14 otherwise making the Subject Photography available to United States and
15 California residents, causing them and Service Providers to earn revenue from
16 exploiting, or the exploitation of, the Subject Photography in the United States and
17 California (including from California residents).

18 67. Plaintiff is informed and believes and thereon alleges that John
19 DeGaetani is an individual residing in Topping, Virginia. Mr. DeGaetani owns
20 properties which he lists on Airbnb and VRBO's Platforms under Airbnb listing ID
21 586043017806831888 and VRBO property ID 2083946. He operates the listing
22 within the State of South Carolina and his business extends and touches the State
23 of California. He had access to Plaintiff's photography through Plaintiff's client's
24 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
25 Plaintiff's copyrighted works in his listings on *vrbo.com* and at and/or through the
26 Service Providers' Platform, thereby causing copies of the Subject Photography to
27 be stored on servers that are located in the United States, California, and/or this
28 judicial district and owned, operated, and/or controlled by the Service Providers in

1 connection with the Service Providers' Platform; otherwise making the Subject
2 Photography available to United States and California residents, causing them and
3 Service Providers to earn revenue from exploiting, or the exploitation of, the
4 Subject Photography in the United States and California (including from California
5 residents).

6 68. Plaintiff is informed and believes and thereon alleges that Joshua
7 Bishop is an individual residing in Greenville, South Carolina. Mr. Bishop owns
8 property that he lists on VRBO's Platform, identified as property ID 1188888. He
9 operates the listing within the State of South Carolina and his business extends and
10 touches the State of California. He had access to Plaintiff's photography through
11 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. He then copied
12 and displayed Plaintiff's copyrighted works in his listing on *vrbo.com* and at
13 and/or through the Service Providers' Platform, thereby causing copies of the
14 Subject Photography to be stored on servers that are located in the United States,
15 California, and/or this judicial district and owned, operated, and/or controlled by
16 the Service Providers in connection with the Service Providers' Platform;
17 otherwise making the Subject Photography available to United States and
18 California residents, causing them and Service Providers to earn revenue from
19 exploiting, or the exploitation of, the Subject Photography in the United States and
20 California (including from California residents).

21 69. Plaintiff is informed and believes and thereon alleges that Mark &
22 Diane Curtiss are individuals residing in Lexington, South Carolina. They operate
23 property listings on VRBO's Platform, identified as property IDs 2748851,
24 433154, and 1056459, within the State of South Carolina and their business
25 extends and touches the State of California. They had access to Plaintiff's
26 photography through Plaintiff's client's website [https://www.myrtle-beach-](https://www.myrtle-beach-resort.com)
27 *resort.com*. They then copied and displayed Plaintiff's copyrighted works in their
28 listings on *vrbo.com* and at and/or through the Service Providers' Platform, thereby

1 causing copies of the Subject Photography to be stored on servers that are located
2 in the United States, California, and/or this judicial district and owned, operated,
3 and/or controlled by the Service Providers in connection with the Service
4 Providers' Platform; otherwise making the Subject Photography available to
5 United States and California residents, causing them and Service Providers to earn
6 revenue from exploiting, or the exploitation of, the Subject Photography in the
7 United States and California (including from California residents).

8 70. Plaintiff is informed and believes and thereon alleges that Thomas
9 Missert is an individual residing in Windham, New Hampshire. Mr. Missert lists
10 his property on VRBO's Platform, identified as property ID 362591, and operates
11 the listing within the State of South Carolina and his business extends and touches
12 the State of California. He had access to Plaintiff's photography through Plaintiff's
13 client's website <https://www.myrtle-beach-resort.com>. Mr. Missert then copied and
14 displayed Plaintiff's copyrighted works in his listing on *vrbo.com* and at and/or
15 through the Service Providers' Platform, thereby causing copies of the Subject
16 Photography to be stored on servers that are located in the United States,
17 California, and/or this judicial district and owned, operated, and/or controlled by
18 the Service Providers in connection with the Service Providers' Platform;
19 otherwise making the Subject Photography available to United States and
20 California residents, causing them and Service Providers to earn revenue from
21 exploiting, or the exploitation of, the Subject Photography in the United States and
22 California (including from California residents).

23 71. Plaintiff is informed and believes and thereon alleges that Deborah and
24 David Harris are individuals residing in Myrtle Beach, South Carolina. They list
25 their property on VRBO's Platform under property ID 2257440, operate their
26 listing within the State of South Carolina, and their business extends and touches
27 the State of California. They had access to Plaintiff's photography through
28 Plaintiff's client's website <https://www.myrtle-beach-resort.com>. They then copied

1 and displayed Plaintiff's copyrighted works in their listing on *vrbo.com* and/or
2 through the Service Providers' Platform, thereby causing copies of the Subject
3 Photography to be stored on servers that are located in the United States,
4 California, and/or this judicial district and owned, operated, and/or controlled by
5 the Service Providers in connection with the Service Providers' Platform;
6 otherwise making the Subject Photography available to United States and
7 California residents, causing them and Service Providers to earn revenue from
8 exploiting, or the exploitation of, the Subject Photography in the United States and
9 California (including from California residents).

10 72. Plaintiff is informed and believes and thereon alleges that Ronald
11 Gadbois is an individual living in Atlanta, Georgia. Mr. Gadbois lists his property
12 on VRBO's Platform under property IDs 1306410 and 1608476, operates his
13 listings within the State of South Carolina, and his business extends and touches
14 the State of California. He had access to Plaintiff's photography through Plaintiff's
15 client's website <https://www.myrtle-beach-resort.com>. He then copied and
16 displayed Plaintiff's copyrighted works in his listings on *vrbo.com* and/or through
17 the Service Providers' Platform, thereby causing copies of the Subject Photography
18 to be stored on servers that are located in the United States, California, and/or this
19 judicial district and owned, operated, and/or controlled by the Service Providers in
20 connection with the Service Providers' Platform; otherwise making the Subject
21 Photography available to United States and California residents, causing them and
22 Service Providers to earn revenue from exploiting, or the exploitation of, the
23 Subject Photography in the United States and California (including from California
24 residents).

25 73. Plaintiff is informed and believes and thereon alleges that Brent
26 Whitesell is an individual living in Myrtle Beach, South Carolina. Mr. Whitesell
27 lists his properties on VRBO's Platform under property IDs 3031414, 3031388,
28 3031399, 3031387, 3031391, 3031395, 3031396, 3031398, 3031401, 3031402,

1 3031403, 3031406, and 3031421. Mr. Whitesell operates his listings within the
2 State of South Carolina and his business extends and touches the State of
3 California. He had access to Plaintiff's photography through Plaintiff's client's
4 website <https://www.myrtle-beach-resort.com>. He then copied and displayed
5 Plaintiff's copyrighted works in his listings on *vrbo.com* and/or through the
6 Service Providers' Platform, thereby causing copies of the Subject Photography to
7 be stored on servers that are located in the United States, California, and/or this
8 judicial district and owned, operated, and/or controlled by the Service Providers in
9 connection with the Service Providers' Platform; otherwise making the Subject
10 Photography available to United States and California residents, causing them and
11 Service Providers to earn revenue from exploiting, or the exploitation of, the
12 Subject Photography in the United States and California (including from California
13 residents). Additionally, Mr. Whitesell posts this same infringing content on
14 *endlesssummerbeachrentals.com*.

15 74. Plaintiff is informed and believes and thereon alleges that Kim
16 Bowman is an individual residing in Reidsville, North Carolina. Ms. Bowman lists
17 her property on VRBO's Platform under property ID 1723314, operates her listing
18 within the State of South Carolina, and her business extends and touches the State
19 of California. She had access to Plaintiff's photography through Plaintiff's client's
20 website <https://www.myrtle-beach-resort.com>. She then copied and displayed
21 Plaintiff's copyrighted works in her listing on *vrbo.com* and/or through the Service
22 Providers' Platform, thereby causing copies of the Subject Photography to be
23 stored on servers that are located in the United States, California, and/or this
24 judicial district and owned, operated, and/or controlled by the Service Providers in
25 connection with the Service Providers' Platform; otherwise making the Subject
26 Photography available to United States and California residents, causing them and
27 Service Providers to earn revenue from exploiting, or the exploitation of, the
28

1 Subject Photography in the United States and California (including from California
2 residents).

3 75. Plaintiff is informed and believes and thereon alleges that Linda
4 DiMaio is an individual residing in Myrtle Beach, South Carolina. Ms. DiMaio
5 lists her property on VRBO's Platform under property ID 778059, operates her
6 listing within the State of South Carolina, and her business extends and touches the
7 State of California. She had access to Plaintiff's photography through Plaintiff's
8 client's website <https://www.myrtle-beach-resort.com>. She then copied and
9 displayed Plaintiff's copyrighted works in her listing on *vrbo.com* and/or through
10 the Service Providers' Platform, thereby causing copies of the Subject Photography
11 to be stored on servers that are located in the United States, California, and/or this
12 judicial district and owned, operated, and/or controlled by the Service Providers in
13 connection with the Service Providers' Platform; otherwise making the Subject
14 Photography available to United States and California residents, causing them and
15 Service Providers to earn revenue from exploiting, or the exploitation of, the
16 Subject Photography in the United States and California (including from California
17 residents).

18 76. Plaintiff is informed and believes and thereon alleges that James
19 Hesnan is an individual residing in North Myrtle Beach, South Carolina. Mr.
20 Hesnan lists his property on VRBO's Platform, identified as property ID 7704010.
21 He operates his listing within the State of South Carolina and his business extends
22 and touches the State of California. He had access to Plaintiff's photography
23 through Plaintiff's client's website <https://www.myrtle-beach-resort.com>. Mr.
24 Hesnan then copied and displayed Plaintiff's copyrighted works in his listing on
25 *vrbo.com* and/or through the Service Providers' Platform, thereby causing copies
26 of the Subject Photography to be stored on servers that are located in the United
27 States, California, and/or this judicial district and owned, operated, and/or
28 controlled by the Service Providers in connection with the Service Providers'

Platform; otherwise making the Subject Photography available to United States and California residents, causing them and Service Providers to earn revenue from exploiting, or the exploitation of, the Subject Photography in the United States and California (including from California residents).

77. Defendants, Anneliese & Aaron Caserta, Chris Aiello, Daniel Capece, Domenick Vanucchi, Emily Henry-Harris, Ged Duvall, Danielle Duvall, Jennifer Perry, Jessica Dawson, Larry Dawson, John Valente, Diane Klingensmith, Richard Kwiatkowski, Kevin Jones, Lori Luongo, Robert Zeilhofer, Sharon Tatum, Robin Keefover, Stephanie Lockett, Tracy Whaley, Walter Wofford, Amber Rhinehart, Robert Micco, Michelle Micco, Dave McCracken, Karen Soper, Deanna Bowden, Diane Gollin, Dmitry Fasolyak, Doris Martin, Faud Korman, Greg Agee, John Rotchford, Karen Rotchford, Kimberly Rassi, Kristin Moffett, Lisa Natale, Timothy Scott Harris, Michael Wannemacher, Norma Benz, Ray Hahn, Pam Hahn, Rebecca Brooks, Tyler Anderson, Wendy Burdett, William Mark Whitesell, John Quilter, Sabrina Antosh, Diane McNulty, Carl Pulliam, Lana S. Huelsenbeck, Kiley Ann Webber, Sandy Welch, Lori Blashuk, Karen Mays, Jacqueline Jones, Lavonne Vella, Kirsten Dibenedetto, John Degaetani, Joshua Bishop, Mark Curtiss, Diane Curtiss, Thomas Missert, Deborah Harris, David Harris, Ronald Gadbois, Brent Whitesell, Kim Bowman, Linda DiMaio, and James Hesnan are each users of either the VRBO Platform and/or Airbnb Platform and are collectively referred to herein as “User Defendants.”

78. On information and belief, Plaintiff alleges that Defendants DOES 1- through 10 (collectively, “DOE Defendants”) (altogether with other named defendants, “Defendants”) are other parties not yet identified who have infringed Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of DOE Defendants are presently unknown to Plaintiff, who therefore sues said DOE

1 Defendants by such fictitious names and will seek leave to amend this Complaint
2 to show their true names and capacities when same have been ascertained.

3 79. On information and belief, Plaintiff alleges that at all times relevant
4 hereto each of the Defendants was the agent, affiliate, officer, director, manager,
5 principal, alter-ego, and/or employee of the remaining Defendants and was at all
6 times acting within the scope of such agency, affiliation, alter-ego relationship
7 and/or employment; and actively participated in or subsequently ratified and
8 adopted, or both, each and all of the acts or conduct alleged, with full knowledge
9 of all the facts and circumstances, including, but not limited to, full knowledge of
10 each and every violation of Plaintiff's rights and the damages to Plaintiff
11 proximately caused thereby.

12 **AIRBNB'S BUSINESS PRACTICES**

13 80. Airbnb's search engine prioritizes hosts that are similar to those who
14 are infringing. The search engine techniques employed by Airbnb prioritize guest
15 satisfaction, pricing, amenities, and photographs.¹ The infringers here are primarily
16 considered Superhosts and thus are known for having high guest satisfaction,
17 competitive pricing, and quality photos and amenities to drive traffic.² As Airbnb
18 prioritizes Superhosts over other users and the use of their algorithm in search
19 engines populates users who have better quality listings, Airbnb has a direct role in
20 the management and display of content.

21 81. Airbnb has the ability and oversight to review infringing content and
22 post it on user listings. Airbnb employs a professional photographer program.³
23 Airbnb sources, hires, and pays the professional photographer to photograph a
24
25

26 ¹ <https://medium.com/@childnick/hacking-airbnbs-search-rank-algorithm-8007a097382d>.

27 ² <https://www.airbnb.com/d/superhost>.

28 ³ <https://www.airbnb.com/e/pro-photography>

1 listing.⁴ Airbnb then takes the images, reviews, edits, and uploads them to the users
2 listing.⁵ This shows that Airbnb has the ability and oversight to review photos
3 being uploaded to their website and is implicit in any infringements which occur.
4 Airbnb's exertion of such control makes them more than a passive service provider
5 and instead makes them an active participant in the infringements levied here.

6 82. Further Airbnb has a unique profit structure.⁶ They employ a fee rate to
7 both Hosts and Guests to maximize their profits.⁷ Airbnb charges hosts a 3% fee
8 per bookings and Guests a 14.2% fee per booking on average.⁸ These fees are used
9 by Airbnb to pay for customer support services and operate their business in a for
10 profit structure. Airbnb could not have achieved such financial success without
11 using search engine prioritization of Superhosts over other users to drive bookings
12 and earn profits. As such it undeniable that Airbnb has a stake in the profitability
13 of the listings themselves; and that Airbnb directly benefits from a user posting
14 infringing content as it is more likely to drive traffic to the listing, resulting in
15 more bookings, and thus more profits, for Airbnb.

16 83. Upon information and belief, Plaintiff alleges that despite its nominal
17 repeat infringer policy, Airbnb allows copyright-infringing content to flourish on
18 its Platform, and even aids it. Airbnb has actual knowledge of that infringing
19 content, and takes conscious actions (and inactions) in the face of the widespread
20 dissemination of that content. This is evident by the fact that on April 6, 2022, a
21 Demand letter was sent to Airbnb to have the infringing content of Plaintiff
22 removed. Airbnb's inaction has resulted in the dissemination of the infringing
23
24

25 ⁴ <https://www.airbnb.com/help/article/298>

26 ⁵ <https://www.airbnb.com/help/article/2019>

27 ⁶ <https://www.vox.com/2020/2/12/21134477/airbnb-loss-profit-ipo-safety-tech-marketing>.

28 ⁷ <https://www.airbnb.co.in/help/article/1857>.

⁸ <https://www.airbnb.co.in/help/article/1857>.

1 content which has resulted in direct profits for Airbnb and was a willful action to
2 generate such profits.

3 84. Thus, Airbnb is complicit because it is aware of the extent of
4 copyright-infringing content on its Platform and provides the infrastructure for,
5 takes measures for, and actively participates in, increasing the spread of, and
6 engagement with, that content.

7 **CLAIMS RELATED TO PLAINTIFF'S PHOTOGRAPHS**

8 85. The Service Provider Platforms are marketplaces for lodging, primarily
9 homestays for vacation rentals, and tourism activities. The Independent Defendant
10 Websites are websites dedicated to vacation rentals and tourism activities operated
11 exclusively by the Website Defendants. The Website Defendants and User
12 Defendants each also use the Service Provider Platforms to market their vacation
13 rental offerings. After registering on the Service Provider Platforms, users
14 including the User Defendants and Website Defendants, can post and offer their
15 homes and properties for temporary rental and/or search for properties to rent short
16 term. Unregistered users can view publicly available listings of properties.

17 86. The Service Provider Platforms primarily earns revenue by taking a
18 percentage of transactions that occur on its Platform. The Service Provider
19 Platforms therefore promote and encourage as much engagement on the Platforms
20 as possible, including allowing users to promote their property listings with user
21 generated and posted content. The Service Provider Platforms then place the
22 content uploaded by users in areas on the Service Provider Platforms that they
23 determine are optimal to maximize chances of generating a transaction between a
24 user offering a property rental and a user searching for such a rental. The Service
25 Provider Platforms thus store the infringing content on servers that are located in
26 the United States, California, and/or this judicial district. This storage of infringing
27 content is a violation of the proper copyright holders rights, and works to generate
28 revenue by allowing the infringing content to be publicly displayed.

1 87. The Website Defendants primarily earn revenue through consumers
2 booking and renting the properties they operate either through the Service Provider
3 Platforms or through the Independent Defendant Websites.

4 88. The User Defendants primarily earn revenue through consumers
5 booking and renting their properties that they list on the Service Provider Platforms
6 which they own and/or operate. Plaintiff's Subject Photographs gain consumer
7 interest and drives rentals of those properties listed by the User Defendants.

8 89. This lawsuit concerns, in part, all Defendants direct and pervasive
9 participation in infringing the copyrights in Plaintiff's Subject Photographs
10 (defined below) by exercising control over unauthorized copies of the Subject
11 Photographs (collectively, the "Infringing Uses") on Service Providers' Platform
12 and on the Independent Defendants Websites; selecting the Infringing Uses for
13 upload, download, transmission, and/or storage to/from Service Providers'
14 Platform and Independent Defendant Websites and their servers; and/or instigating
15 the copying, display, publication, reproduction, and/or distribution of the
16 Infringing Uses on Service Providers' Platform and the Independent Defendant
17 Websites.

18 90. Specifically, upon information and belief, Plaintiff alleges that Airbnb
19 stores, caches, and distributes multiple copies of Subject Photographs on its servers
20 and Platform, irrespective of any user command to do so. Also, upon information
21 and belief, Plaintiff alleges that the Website Defendants store, caches, and
22 distribute multiple copies of the Subject Photographs on their servers through the
23 Independent Defendant Websites.

24 91. Plaintiff, HENRY, is an acclaimed photographer who created and
25 owns the original photographs depicted in the lefthand column of **Exhibits A**
26 attached hereto ("Subject Photography.")

27 92. Plaintiff has registered the Subject Photographs and was granted U.S.
28 copyright registrations as set forth in **Exhibits A** attached hereto.

1 93. Prior to the acts complained of herein, Plaintiff published and widely
2 publicly displayed and disseminated the Subject Photographs including without
3 limitation on Plaintiff's website *www.bentonhenry.com* or his client's website
4 *https://www.myrtle-beach-resort.com/*.

5 94. Plaintiff is informed and believes and thereon alleges that following its
6 publication and display of the Subject Photographs, Airbnb, Website Defendants,
7 User Defendants, DOE Defendants, and each of them used the Subject
8 Photographs without Plaintiff's authorization for commercial purposes in various
9 ways, including, but not limited to, the use on the website *Airbnb.com*,
10 *endlesssummerbeachrentals.com*, and *awavefromitalmbl.com*.

11 95. Following Plaintiff's dissemination and display of the Subject
12 Photographs, Defendants, and each of them copied, reproduced, displayed,
13 distributed, created derivative works, and/or otherwise used the Subject
14 Photographs without license, authorization, or consent, including by using the
15 Subject Photographs on their website ("Infringing Uses") which were created,
16 published, and distributed by Airbnb and or the Website Defendants. The
17 Infringing Use was made widely and publicly available at the Service Provider
18 Platforms and the Independent Defendant Websites. True and correct screen
19 captures of the Infringing Uses are included in **Exhibits A-D** attached hereto.

20 96. On April 6, 2022, Plaintiff through his counsel sent a DMCA
21 takedown request for each of the Subject Photographs to Airbnb, but to date,
22 Airbnb has not taken appropriate action to timely remove the Infringing Use, thus
23 necessitating this action.

24 97. Plaintiff has not in any way authorized Defendants, or any of them, to
25 copy, reproduce, display, distribute, create derivative works of, or otherwise use
26 the Subject Photographs.

27 ///

28 ///

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against all Defendants, and Each)

98. Plaintiff repeats, re-alleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

99. On information and belief, Plaintiff alleges that Defendants, and each of them, had access to the Subject Photographs, including, without limitation, through (a) viewing the Subject Photographs on Plaintiff's website, (b) viewing Subject Photographs online, and (c) viewing Subject Photographs through a third party. Access is further evidenced by the Subject Photographs' exact reproduction in the Infringing Use.

100. On information and belief, Plaintiff alleges that Defendants, and each of them, copied, reproduced, displayed, and distributed the Subject Photographs, including without limitation as seen in **Exhibits A-D** attached hereto.

101. On information and belief, Plaintiff alleges that Defendants, and each of them, infringed Plaintiff's copyrights by creating infringing derivative works from the Subject Photographs and publishing same to the public.

102. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered general and special damages in an amount to be established at trial.

103. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of Plaintiff's rights in the Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of Plaintiff's rights in the Subject Photographs in an amount to be established at trial.

104. On information and belief, Plaintiff alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above, which

1 were willful, intentional and malicious, which further subjects Defendants, and
2 each of them, to liability for statutory damages under Section 504(c)(2) of the
3 Copyright Act in the sum of up to \$150,000.00 per infringement and/or a
4 preclusion from asserting certain equitable and other defenses.

5 **SECOND CLAIM FOR RELIEF**

6 **(For Vicarious and/or Contributory Copyright Infringement – Against all**
7 **Defendants, and Each)**

8 105. Plaintiff repeats, re-alleges, and incorporates herein by reference as
9 though fully set forth, the allegations contained in the preceding paragraphs of this
10 Complaint.

11 106. On information and belief, Plaintiff alleges that Defendants knowingly
12 induced, participated in, aided and abetted in and profited from the illegal
13 reproduction and distribution of the Subject Photographs as alleged hereinabove.
14 Such conduct included, without limitation, publishing photographs obtained from
15 third parties that Defendants knew, or should have known, were not authorized to
16 be published by Defendants.

17 107. On information and belief, Plaintiff alleges that Defendants, and each
18 of them, are vicariously liable for the infringement alleged herein because they had
19 the right and ability to supervise the infringing conduct and because they had a
20 direct financial interest in the infringing conduct. Specifically, Defendants, and
21 each of them, profited in connection with the Infringing Use, and were able to
22 supervise the distribution, broadcast, and publication of the Infringing Use.

23 108. By reason of the Defendants', and each of their, acts of contributory
24 and vicarious infringement as alleged above, Plaintiff has suffered general and
25 special damages in an amount to be established at trial.

26 109. Due to Defendants' acts of copyright infringement as alleged herein,
27 Defendants, and each of them, have obtained direct and indirect profits they would
28 not otherwise have realized but for their infringement of Plaintiff's rights in the

1 Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants’
2 profits directly and indirectly attributable to Defendants’ infringement of Plaintiff’s
3 rights in the Subject Photographs, in an amount to be established at trial.

4 110. On information and belief, Plaintiff alleges that Defendants, and each
5 of them, have committed acts of copyright infringement, as alleged above, which
6 were willful, intentional and malicious, which further subjects Defendants, and
7 each of them, to liability for statutory damages under Section 504(c)(2) of the
8 Copyright Act in the sum of up to \$150,000.00 per infringement and/or a
9 preclusion from asserting certain equitable and other defenses.

10 **THIRD CLAIM FOR RELIEF**

11 **(For Violations of the Digital Millennium Copyright Act (17 U.S.C. §1202 –**
12 **Against all Defendants, and Each)**

13 111. Plaintiff repeats, re-alleges, and incorporates herein by reference as
14 though fully set forth, the allegations contained in the preceding paragraphs of this
15 Complaint.

16 112. Plaintiff regularly published the Subject Photographs with copyright
17 management information (“CMI”), as that phrase is used in 17 USC § 1202.
18 Plaintiff’s CMI included, without limitation, his name, company name, copyright
19 notice, metadata, and other identifying information. The CMI was prominently
20 displayed and would be viewed by visitors to Plaintiff’s website and online
21 profiles.

22 113. On information and belief, Plaintiff alleges that Defendants, and each
23 of them, intentionally removed and altered Plaintiff’s violated 17 U.S.C. §1202(b)
24 before copying, reproducing, distributing, and displaying the Subject Photographs.

25 114. On information and belief, Plaintiff alleges that Defendants, and each
26 of them, did distribute or import for distribution copyright management
27 information knowing that the CMI has been removed or altered without authority
28 of Plaintiff or the law.

1 115. On information and belief, Plaintiff alleges that Defendants, and each
2 of them, did distribute and publicly display works and copies of works knowing
3 that copyright management information has been removed or altered without
4 authority of Plaintiff or the law, knowing, or, with respect to civil remedies under
5 17 USC § 1203, having reasonable grounds to know, that it will induce, enable,
6 facilitate, or conceal an infringement of any right under this title.

7 116. On information and belief, Plaintiff alleges that Defendants, and each
8 of them, in violation of 17 § USC 1202(a), knowingly and with the intent to
9 induce, enable, facilitate, or conceal infringement provided false copyright
10 management information when they added their own logos, names, bylines, and
11 attribution to the Subject Photographs.

12 117. On information and belief, Plaintiff alleges that Defendants, and each
13 of them knew, that they were providing false copyright management information to
14 its copies of the Subject Photographs and distributing copyright management
15 information that was false at the time it distributed its unauthorized copies of the
16 Subject Photographs.

17 118. The above conduct is in violation of the Digital Millennium Copyright
18 Act and exposes Defendants, and each of them, to additional and enhanced
19 common law and statutory damages, attorneys' fees, and penalties pursuant to 17
20 USC § 1203 and other applicable law.

21 119. On information and belief, Plaintiff alleges that Defendants, and each
22 of their, conduct as alleged herein was willful, reckless, and/or with knowledge,
23 and Plaintiff resultantly seeks enhanced damage and penalties.

24 **PRAYER FOR RELIEF**

25 Wherefore, Plaintiff prays for judgment as follows:

26 **Against all Defendants, and Each with Respect to Each Claim for Relief:**

- 27 a. That Defendants, and each of them, as well as their employees,
28 agents, or anyone acting in concert with them, be enjoined from

1 infringing Plaintiff's copyrights in the Subject Photographs, including
2 without limitation an order requiring Defendants, and each of them, to
3 remove any content incorporating, in whole or in part, the Subject
4 Photographs from any print, web, or other publication owned,
5 operated, or controlled by any Defendant.

- 6 b. That Plaintiff be awarded all profits of Defendants, and each of them,
7 plus all losses of Plaintiff, plus any other monetary advantage gained
8 by the Defendants, and each of them, through their infringement, the
9 exact sum to be proven at the time of trial, and, to the extent available,
10 statutory damages as available under the 17 U.S.C. § 504, 17 U.S.C.
11 §1203, and other applicable law.
- 12 c. That a constructive trust be entered over any revenues or other
13 proceeds realized by Defendants, and each of them, through their
14 infringement of Plaintiff's intellectual property rights;
- 15 d. That Plaintiff be awarded his attorneys' fees as available under the
16 Copyright Act U.S.C. § 505 et seq.;
- 17 e. That Plaintiff be awarded his costs and fees under the above statutes;
- 18 f. That Plaintiff be awarded statutory and enhanced damages under the
19 statutes set forth above;
- 20 g. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 21 h. That Plaintiff be awarded the costs of this action; and
- 22 i. That Plaintiff be awarded such further legal and equitable relief as the
23 Court deems proper.

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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
2 P. 38 and the 7th Amendment to the United States Constitution.

3
4 Respectfully submitted,

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6 Dated: December 12, 2023

DONIGER / BURROUGHS

7 By: /s/ Scott Alan Burroughs
8 Scott Alan Burroughs, Esq.
9 Frank R. Trechsel, Esq.
10 *Attorneys for Plaintiff*
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